

REMARKS

Applicant notes that the previous rejection has been withdrawn based on Applicant's remarks and amendment.

Claims 1-3, 5-16, 18, 19 and 22-25 stand rejected under 35 § 103(a) as being unpatentable over Court et al. (French Patent 2,772,038). This patent is commonly owned by Applicant, and involves the same inventor. The cited reference fails to teach or suggest all of the claim limitations of the present invention, and therefore fails to present a *prima facie* case of obviousness under 35 § 103(a). Specifically, the cited reference fails to teach or suggest a) a rigid material based on PPO and a polystyrene, b) a triblock in which the C block of an ABC triblock is compatible with the resin mixture.

The largest difference between the invention of the '038 patent and the present invention is that the '038 invention deals with a semi-crystalline thermoplastic resin, while the present invention involves a non-crystalline resin. Thus when the Examiner notes that the "C" block in the '038 patent may be polystyrene, and the semicrystalline thermoplastic may be a homopolymer of "C", this specifically refers to syndiotactic polystyrene, as the Examiner has pointed out on page 5, lines 9-12 of the '038 reference. The present invention involves instead the more common atactic polystyrene in the resin blend, as is seen in all of the Examples. Syndiotactic polystyrene is semi-crystalline, and would not lead one of skill in the art to use non-crystalline, atactic polystyrene.

The "C" block of the ABC triblock of the '038 reference is not compatible with the semicrystalline resin, while the "S" triblock of the present invention is compatible with the PPO/PS resin mixture.

The semi-crystalline polymer resin of the '038 is exemplified in the first paragraph of the Specification as polyamides (PA), polyolefins, fluorinated resins, vinyl resins, polyesters, polycarbonates, polyoxyalkylenes, polyurethanes, and polysiloxanes. There is no teaching or

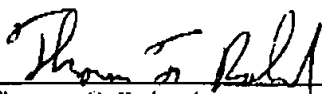
suggestion of the PPO/polystyrene mixture claimed by the Applicant. This is not surprising since the resin in the '038 patent must be semi-crystalline, while Applicant's PPO/polystyrene resin mixture is non-crystalline.

Further, the semi-crystalline nature of the resin, and exemplary list teach away from Applicant's non-crystalline resin material. One of skill in the art would recognize the differences and different properties of a semi-crystalline resin, as well as the different needs in terms of impact modification, and would not be lead to produce Applicant's invention of an impact modified non-crystalline resin from the teaching of an impact modified semi-crystalline resin of the '038 reference.

Because of the above reasons, the cited art fails to present a *prima facie* case of anticipation under 35 U.S.C. §102(b) of the claims as amended.

Examination and allowance of the amended claims are earnestly solicited.

Respectfully submitted,


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